

ADR Newsletter



Deputy General Counsel for Dispute Resolution (SAF/GCD) -September 2010

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Message from SAF/GCD

The Air Force has one of the most successful and robust workplace dispute resolution programs in the federal government, thanks to our dedicated and talented ADR program managers and collateral duty mediators (and our terrific GCD staff). I would guess that most of you who read this newsletter are a part of making the workplace dispute resolution program a success, but you may not be as familiar with some of the other things we do, including acquisition ADR, negotiation training, and complex public policy disputes. Let's take negotiation training first, and I'll follow up in a later issue with the others.

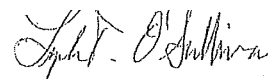
Negotiation training has been an important part of what GCD does since 2005. It was in that year that we rolled out the interactive supervisory skills training in support of NSPS implementation and also stood up the Air Force Negotiation Center of Excellence in partnership with Air University. Interest-based negotiation training is part of the Integrated Conflict Management

System (ICMS) concept that is central to the Air Force ADR Program. That is, we not only seek to resolve disputes, we seek to proactively develop conflict competence across the Air Force as an important part of the leadership toolkit to solve problems in the most efficient and effective way.

For example, we deliver a two-day negotiation course to the Air Force Real Property Agency (AFRPA) built around a scenario involving an enhanced use lease; we provide a two-day negotiation/ADR course for AFLOA/JAQ attorneys, with an interactive acquisition scenario and briefings from the Armed Services Board of Contract Appeals, the Government Accountability Office, and others; in collaboration with AFIT, we provide a two-day negotiation course for acquisition professionals built around an intellectual property scenario; and, in collaboration with the Air Force Negotiation Center of Excellence (NCE), provide negotiation (including cross-cultural negotiation) and

mediation courses at all levels of professional military education.

Our interest-based negotiation model provides a systematic approach to help understand and master a process that in the past was accomplished in an ad hoc and often ineffective manner. For more information, please contact Ken Lechter at Kenneth.Lechter@pentagon.af.mil or (703) 588-2208.



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NEGOTIATION TRAINING FOR THE ACQUISITION WORKFORCE

This two-day course is designed to fill a critical need for the systematic development of negotiation skills for contracting officers, program managers, financial managers, subject matter experts, and JAG attorneys dealing in acquisitions. Air Force Institute of Technology (AFIT) and SAF/GCD instructors provide basic training in interest-based negotiation techniques combined with role-playing of a scenario on a dispute involving intellectual property. This course is conducted at various bases each fiscal year. The next courses will be at Kirtland AFB in November and Robins AFB in December. If interested, enrollment information is available at <http://www.afit.edu/ls/courseList.cfm>

NEGOTIATION AND APPROPRIATE DISPUTE RESOLUTION COURSE (Maxwell AFB) 17-21 May 2010

Air Force and the Army JAG Corps attorneys in all career fields are encouraged to attend this annual interactive course on the basics of interest-based negotiation, cross-cultural communications, and mediation in a series of presentations and role-playing scenarios. Students can test their negotiation and mediation skills before professional mediators and have the opportunity to meet special guests, such as judges from the Armed Services Board of Contract Appeals and an ADR expert from the Department of Justice. This year's closing remarks by the Honorable Charles Blanchard, Air Force General Counsel, emphasized the importance of negotiation and communication skills in everything we do. The interest-based negotiation model is a critical skill set that everyone should have in order to be effective leaders.

Nominations for next year's 2-6 May, 2011 course at Maxwell AFB should be submitted using the Course Nomination System on FLITE.



BASIC MEDIATION COURSE (Maxwell AFB) 21-25 June 2010

This year we added a webinar diversity presentation by Lt Col Jim Parco, professor at the Air Education and Training Command and author of Attitudes Aren't Free: Thinking Deeply about Diversity in the US Armed Forces. Many of you would appreciate the unique insights in this book. Free copies are available at <http://aupress.maxwell.af.mil/>. Eight hours of diversity training are required for a Level II Mediator Certification nomination. Please notify our office if you attend a diversity training that others might enjoy.

MEDIATION MATTERS: MATTERS OF INTEREST TO THE WORKPLACE ADR PROFESSIONAL

by Norm Jacobson

As we approach the end of FY 2010, there's a lot of excitement around our office, and that's because there are a lot of things happening in our workplace dispute ADR world. We're completing our first year with our new ADR data reporting system; we're conducting our last AF Basic Mediation Course for the fiscal year; and we're starting to work on our 2011 ADR Worldwide Conference. I wanted to take a moment to provide you with a brief update on each of these topics.

ADR Data Reporting: We're excited about the performance of our new data reporting system. We've made changes to the system, based upon comments received at the 2010 worldwide conference, that have made our reporting more accurate and our reports more detailed. We should have AF data available before the end of the calendar year.

Basic Mediation Course: The FY11 course schedule has been finalized and our next two offerings of this course will be 7-11 February 2011 and 19-23 September 2011. I would encourage installation program managers to start their recruiting process now, as I anticipate the call for nominations for the February course will occur just after the start of the next fiscal year.

2011 Worldwide ADR Conference: Planning is underway for our 2011 ADR Worldwide Conference. We're soliciting training topics, best practices, and breakout session subjects. Please forward your topics, practices, and subjects to me at norman.jacobson@pentagon.af.mil by 30 November 2010.

CALL FOR 2010 AF GENERAL COUNSEL AWARD NOMINATIONS

In August, we launched our call for the 2010 AF General Counsel ADR Awards in the area of workplace, acquisition, and other dispute categories, as well as ADR/negotiations training programs. As with last year's ADR Awards for Workplace Disputes, we are looking for nominations for individuals, for large (100 or more total disputes in FY 2010) organizations, and for small (less than 100 total disputes in FY 2010) organizations. Please note that the individual award category includes an award for a program manager and for an outstanding mediator/facilitator. **Anyone can submit a nomination, and the nomination should be submitted through the installation ADR program manager and the applicable MAJCOM to SAF/GCD. Suspense for nominations is Monday, 15 Nov 10. For more information, please check our website at www.adr.af.mil**

ADR CROSSWORD PUZZLE

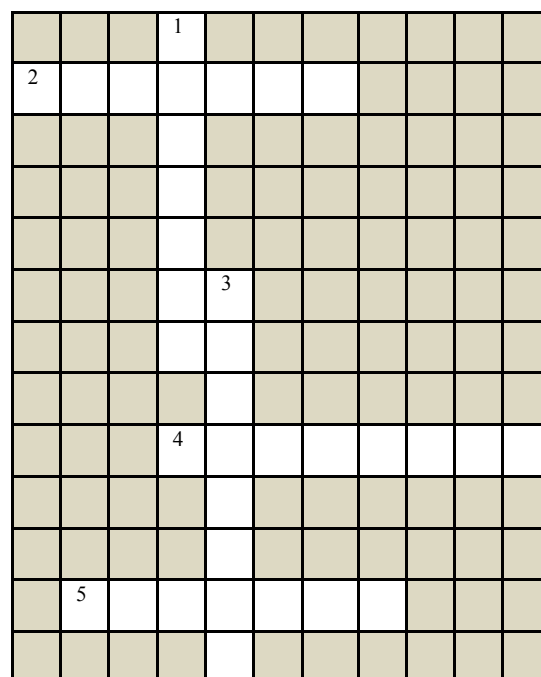
DOWN

1. Home to NADRC and September's Basic mediation course
3. Don't forget the mayo, in caucus be sure to do this with your confidentiality

ACROSS

2. When the parties can't get past their differences
4. A mediator who is above intermediate, but not yet a master
5. Mediation allows the parties to control the outcome, while the mediator controls the _____

* The first person to send correct answers to the SAFGCD.Workflow email below will be acknowledged in the next newsletter.



COMPASSIONATE MEDIATOR—TO BE OR NOT TO BE?

How can we become more compassionate mediators? Should we?

A doctor with a seriously ill family member is likely to better understand some of the needs of their seriously ill patients and the patient's family members. A real estate agent, who has purchased or sold a home of their own, could be more mindful of feelings and requests of a first homebuyer. Are mediators who have participated as a party in a mediation session more effective? Mediators who have been on both sides of the table may have a different perspective on the emotions involved, the need for breaks and caucuses, and the painful anticipation of offer, acceptance, or rejection. I recently mediated a dispute between two employees who have served as collateral-duty mediators. I consciously chose to mediate in the same manner as I would with individuals who are not mediators – from opening statement to closure. The parties participated in a principled manner and utilized the mediator and caucus effectively. Although mediators may be able to use their interest-based negotiation skills to resolve many of the issues on their own, it speaks volumes for mediators to believe in the mediation process enough to utilize another neutral person when necessary. The session helped the three of us to reflect on our personal expectations of a mediator. Consider what you would expect of a mediator for your own disputes and consider ways in which you might want to develop your practice.

ADR and the FREEDOM of INFORMATION ACT (FOIA)

As a result of the Open Government Act of 2007, we started working with HAF FOIA personnel to discuss the use of ADR to facilitate resolution of disputes that arise in the FOIA process. SAF/GCD in collaboration with the U.S. National Archives and Records Administration will continue to teach AF FOIA officers to use interest-based negotiation techniques to resolve disputes arising from requests for information. SAF/GCD has identified a small pool of AF mediators capable of conducting FOIA mediations and is looking to expand that pool of mediators in the future. I would encourage program managers at the installation and MAJCOM levels to seek out their FOIA counterparts and discuss any ADR needs they may have. **If you have had FOIA Officer and mediation training and are interested in these opportunities or if you receive any requests for a FOIA facilitation, please contact Norm Jacobson at norman.jacobson@pentagon.af.mil.**

IDENTIFYING KEY ISSUES AND PLAYERS FOR MEDIATION

This summer's video-conference refresher training for ADR Program Managers and mediators reminded practitioners of how to identify issues and mediation participants to ensure a comprehensive session. Neutrals, both intake coordinators and mediators, should be mindful of the non-negotiable issues for which ADR may not be appropriate. Mediators should initially focus on identifying all of the problems that the parties would like to discuss. Once the negotiable issues have been identified by the mediator, mediators frame those issues in an impartial and productive manner by moving the parties from the past to the future. The refresher training also explained who the key players are for a mediation session and how to ensure the right people are available for the session. We anticipate that our next webinar refresher training will occur this fall.

UPCOMING CALENDAR OF EVENTS

SEPTEMBER

Basic Mediation Course, Sept. 27-30 at Maxwell AFB

NOVEMBER

Call for GC award nominations, Suspense Nov. 15 2010

Acquisition Negotiation Course, Nov. 15-19 at Kirtland AFB

DECEMBER

Acquisition Negotiation Course, Dec. 6-10 at Robins AFB

JOB ANNOUNCEMENT

Administrative Support Specialist
GS-0301-11 (Arlington, VA)

SAF/GCD is seeking an ADR Program Office Manager to allocate, distribute & manage its resources and ensure the efficiency and effectiveness of the ADR Program. If interested in receiving more information, please contact Faith Pulliam at 703-697-2017 or Faith.pulliam@pentagon.af.mil